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October 3, 2005

### **BY HAND DELIVERY**

The Honorable Gregory M. Sleet  
United States District Court  
844 North King Street  
Lock Box 10  
Wilmington, DE 19801

Re: Rosenwald v. MBNA Corp, et al., Case No. 1:05-cv-692-GMS

Dear Judge Sleet:

In accordance with the Stipulated Order Consolidating Actions and Appointing Co-Lead Counsel in *Lemon Bay Partners v. Hammonds, et al.*, No. 1:05-cv-00327-GMS, and *Benoit v. Hammonds, et al.*, No. 1:05-cv-00361-GMS, entered by the Court on August 25, 2005, I write to inform the Court that the above-captioned state-law derivative action has been transferred to this Court from the United States District Court for the District of Maryland and assigned to Your Honor.

By its terms, the August 25, 2005 Stipulated Order applies "to each shareholder derivative and state law based class action arising out of the same or substantially the same transactions or events as these cases [*Lemon Bay* and *Benoit*] that is subsequently filed in, removed to or transferred to this Court." Stipulated Order Consolidating Actions and Appointing Co-Lead Counsel, entered Aug. 25, 2005, ¶ 14. The above-captioned case is such a derivative action. Accordingly, this case is subject to the same schedule set forth in Paragraph 6 of the August 25, 2005 Stipulated Order.

I previously sent Your Honor a letter dated September 26, 2005, together with a proposed order, relating to this action. Because this action is now subject to the schedule set forth in the

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August 25, 2005 Stipulated Order, the proposed order filed with the Court on September 26 is moot.

Respectfully yours,

A handwritten signature in cursive script, appearing to read "Richard H. Morse".

Richard H. Morse (No. 531)

RHM:mmeeh

cc: Clerk of the Court (By E-filing)  
A. Zachary Naylor, Esquire (By Hand)  
Joseph N. Gielata, Esquire (By Hand)  
Irving Bizar, Esquire  
Brian Robbins, Esquire  
Laurence Paskowitz, Esquire  
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